

3/21/11
updated 4-2-11
from other docs
incl. calendar

Timeline (approximate) on Recruit Kohn

December 6-9 Chief Marquis in Atlanta

December 9, 2010 (Thursday) 1715: Notified that Recruit Kohn was transported by rescue with a head injury.

- Participating in Defensive Tactics scenarios when he became unresponsive & his breathing labored
- Chief Marquis notified of the accident & Captain Emerson and I proceeded to Norfolk General
- Family including his wife and mother-in-law in the emergency room
- Overheard that Recruit Kohn had indicated to his wife that he was injured on Tuesday, December 7, 2010 during a training scenario and saw stars
- Notified Captain Galligan to relay the information to the detective supervisor on scene
- Updated Chief Marquis, including information regarding the Tuesday incident.

After leaving the emergency room, I proceeded to Training.

- Detectives were conducting interviews & recovering the tapes from the Training Room
- Briefly spoke to the Chief once again and advised him that OSHA was present as well as detectives, Lieutenant Baron & Sergeant Wray

Friday, December 10 (morning before I left for work): CM Williams called me on cell.

- Basic information provided including the report of a Tuesday incident
- She asked if there was any indication of "hazing" and I responded that there wasn't
- Confirmed that the case was being investigated as an "Industrial Accident."

Also on Friday, we attempted to compose a press release with the Detective Division

- PIOs were urged to keep the information generic & not focus on the collision with another recruit as we had information of the Tuesday incident
- Press release was subsequently issued by PIO Parker-Chesson concerning the injured recruit *after brief approval by Chief - after discussion also*
- On Friday evening, Mayor Fraim, Chief Marquis and I visited Recruit Kohn and his family at NGH. We briefly discussed his condition and visited the family. It was discovered during the visit that John's mother was living in Denver. Captain Goldsmith and I were scheduled to attend a conference in Denver on Monday, December 13-16. During that visit we would arrange for her to get to the airport. The Mayor committed to paying for her fare.

Monday, December 13: Captain Goldsmith and I met Mrs. Kohn and her son in Denver.

Tuesday, December 14: Mrs. Kohn was taken to the airport and caught a flight to Norfolk.

December 17: Discussions that more should have been put out to the press despite the Chief family's discomfort as to the cause of the injury (collision). To the best of my recollection, this is also the point that references to lawyers came into play as they would not sign workers compensation paperwork. *(My return to the office on 12-17 from Denver)*

December 13-16: in Colorado at UASI Conference

December 18, 2010: Recruit Kohn expired. I was notified by cell phone by Rose (Recruit Kohn's sister-in-law). *In Roanoke - Dec. 17-19 - weekend family visit*

December 20: Preliminary autopsy results by email from Captain Ryan indicating that the death of Recruit Kohn was most likely due to the impact of the collision

- Emphasized that more extensive tests would be conducted including toxicology & further tissue analysis
- Family did not desire release of the autopsy results
- Chief Marquis, Captain Galligan & I attended a meeting at City Hall. We were called into CM Williams' office after the meeting. ACM Stein was also present. Captain Galligan provided the brief including information of the defensive tactics training and the collision between the two recruits. He also described the helmets that the recruits wear during defensive tactics. The CM asked what types of pay and benefits Mrs. Kohn was receiving. Captain Galligan explained that she had refused to sign paperwork because of legal advice, his status as a recruit rather than sworn and other points involving pay. The CM was concerned about the family and asked Galligan to get with HR and to provide an overview of benefits along with briefing points concerning the incident.

Tuesday, December 21 at 2041: Captain Galligan sent an email with the **partial** point paper requested by the CM and indicating that he was still waiting for the email response from HR.

Wednesday, December 22: I reviewed the email the next day and sent the email requesting clarification asking where he hit the recruit further stating that they will ask.

- Captain Galligan responded the same day ("in the head") in the infamous email breaking story.
- Partial document was forwarded to the Chief indicating that we were awaiting information from HR and assumed that he had read it.
- Later that evening, John Kohn's sister-in-law, Rose called and indicated that the funeral was set for 1700 on Wednesday, December 29th, at Saint Pius X Catholic Church and specifically requested that the media not be notified.

December 21 (around noon): The Chief, Captain Galligan and I had a conference call with CA Bernard Pishko and Joan Mahoney. They were briefed regarding the points involving the incident and the information provided during the preliminary autopsy results. A press release was prepared and reviewed by Joan Mahoney. We indicated that we did know about a collision and talked about the ME's preliminary autopsy.

December 23 through 26: Christmas holidays and severe snow conditions as well as the truant controversy occupied the majority of our time. I don't recall any discussions with anyone during this period except with the military representative, Major Paul Creal. During the week of December 27, we readied ourselves for the funeral and attended to other pressing issues.

December 28: We received an email from the CM Office asking us to "fill in the blanks" on a Council response to Mr. Protogyrou. We obtained the information and sent the

response back. It was assumed that the partial briefing sheet had gone over. We were using the preliminary autopsy report as the basis for the release of information. Nothing in the release or follow-up was incorrect in the context of the information that we had available.

January 5 - Joan Mahoney has file + reviewed - (had rec'd. 1-3-11)

Monday, January 10: Chief Marquis, Captain Maslow and I discussed the copy of the Detective Division case file that was forwarded to OPS for administrative review.

- Chief directed the file to be reviewed by OPS for the administrative review and then to Personnel for compliance with training standards.
- Chief Marquis & I would review after the command review (SOP)
- City Attorney's Office to receive a copy of the completed case file due to the pending civil action
- I was not aware that the City Attorney's Office had a full copy of the file and was planning to release all of the information.

*Standard
Op:*

January 10-12 - In Accomack Teaching ICS 400 for city.

Thursday, January 13: After the release of the story, I retrieved the file and read it.

- File covers the Tuesday, December 7 strike that caused John to be dizzy, recruit discussions of it & the December 9 events are covered
- Discrepancy noted is that one of the academy instructors did not recall that Kohn had his helmet on in the Tuesday incident
- Recruits and academy staff reported the same training tactics and outcomes all of which are routine
- * Viewed the video tape of Officer Sapp for the first time when Captain Maslow brought it to my attention
- Mr. Pishko & Joan Mahoney called, wanted Chris Amos on conference call to do a press conference that evening. I asked them the purpose when they had released the file and all information.
- Attempted to notify the chief, could not reach
- Notified ACM Stein who stated that he would check with the Mayor. Stanley called back shortly indicating that there would be no press release at the current time
- Notified Chief Marquis by phone

Jan 13 - 11:34 Amos email indicating that all inquiries should be forwarded to his family lawyer

Friday, January 14: Chief discussed situation with Patrick Wilson, Virginian Pilot. He told me that Patrick asked if I was going to be disciplined. I discussed various options with the Chief. Chief Marquis told me that I could speak to Patrick if I wanted to. I also received an email from Wilson that night. I declined to speak with Patrick Wilson or any member of the press. (Note - long weekend for MLK holiday)

Overheard chief blame it on me -

Tuesday, January 18: Meeting with Stanley, Pishko, Mahoney, Baron, Galligan, Emerson, Bishirjian and me in the 11th floor conference room regarding the press conference scheduled for the next day.

Wednesday, January 19, 1300: Press Conference with Stanley, Chief Marquis & Lt. Baron

Tuesday, January 25: Council Brief by the Chief

Points:

- No member of the NPD intentionally withheld any information in an attempt to cover up.
- Detective Division was immediately notified as well as OSHA
- Contents of the file copy openly discuss the training methodologies and tactics deployed
- Senior NPD members were hesitant to report the collision as the cause of death for John in light of the report of a Tuesday, December 7 incident when Recruit Kohn "saw stars" and the headache reported by his wife to the ER
- ~~Decision to focus on the collision was an attempt to be transparent~~
- Only the final autopsy can put a disposition on this issue
- Civil litigation is likely & will affect our ability to communicate

Issues:

- Within the controversy, we have lost sight that a member of the Police Department has died. Recruit Kohn's family and the police/city family were denied the normal grieving process because of the controversy surrounding this issue
- Relationship with City Attorney's Office needs to be restored with open discussions
- Unified City of Norfolk response is necessary to avoid more media controversy
- The independent panel work is proceeding well with competent members inclusive of two medical professionals, the Fire-Rescue Chief and a DCJS representative.
- FOIAs virtually stopped some of the police work in the PAB during January and early February. Work and documents were provided at no cost to the requestors – mostly private businesses – newspaper and television. Reasonable costs are permitted by FOIA.
- Defensive tactics training is on a stand-down. In order to graduate the 87th Session on March 24, some objectives must be met. No defensive tactics training has been offered to the 88th session.